

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	ROBERTS et al)	ATTORNEY DOCKET:	40304772
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SERIAL NO.:	10/615,797)	GROUP ART UNIT:	1616
)		
FILED:	7/10/2003)	EXAMINER:	PRYOR, ALTON
)		NATHANIEL
TITLE:	METAL COMPOUNDS, MIXED OR SULPHATED, AS PHOSPHATE BINDERS			
DATE:	November 30, 2007		CUSTOMER NO.:	26565

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.97(c)

Applicants hereby submit in accordance with 37 CFR §§ 1.97 - 1.98 as supplemented by MPEP § 609 other information of which they are aware and which may be related to the examination of this application, and in respect of which there may be a duty to disclose under 37 CFR § 1.56.

The information disclosure is being filed prior to the mailing of a final Office Action, in accordance with 37 CFR § 1.97(c). Accordingly, Applicants respectfully request that the statement be considered by the Office in the course of prosecution of the application. In connection with this information disclosure statement, please charge Deposit Account No. 13-0019 in the amount of \$180.00, in accordance with 37 CFR § 1.17(p). If any additional fees are due in connection with this information disclosure statement, please charge these additional fees (or credit any overpayment) to our Deposit Account No. 19-1025.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 CFR §1.97(g)), an admission that the information cited is or is considered to be material to patentability, or that no other material information exists.

Contained herewith are disclosures regarding the foreign prosecutions in the nationalizations made in relation to the above-referenced application.

The Chinese Patent Office made an apparent prior art rejection over the disclosure in *Chem. Mater.*, 7:01, 222 (1995) of a Magnesium (Mg) to Iron (Fe) ratio of 3.1 +/- 0.2 to 1. The application was subsequently limited to a Mg:Fe ratio outside the range of 2.9:1 to 3.3: 1 and the claims were granted.

The claims granted by the Chinese Patent Office impose a limitation in which the treatment of hyperphosphataemia with a mixed metal compound containing iron and at least one additional metal ion selected from the group comprising magnesium and calcium. However, currently pending before the Chinese Patent Office is a divisional application which discloses a treatment of hyperphosphataemia, wherein the mixed metal compound contains the metals iron and “at least one of magnesium, calcium, lanthanum and cerium....”

In the Korean, European and Mexican prosecutions, the limitation of “at least one hydroxyl and carbonate ion” was added to claim 1. It does not appear this limitation was imposed to overcome any prior art reference.

The Hungarian Patent Office made an apparent novelty rejection over JP05155776, GB2254556, WO97111166, JP62145024 and US5571336. Claim 1 of the Hungarian application was subsequently amended to include the limitation of “at least one hydroxyl and carbonate ion.”

The Korean Patent Office made an apparent lack of novelty rejection over DE3402878 in view of JP 05-155,776. The application is still currently pending before the Korean Patent Office.

In the New Zealand prosecution, claim one contains the limitation of “obtainable by formation of a precipitate thereof.”

It appears that in response to the sufficiency rejection by the Polish Patent Office, the claims were limited to a composition containing at least iron and at least one of magnesium and calcium.

Respectfully submitted,

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